

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ASHAUN MERCES-CLARK,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, ET AL.,	:	
Defendants.	:	NO. 13-02111

ORDER

AND NOW, this 19th day of November 2013, upon consideration of defendants' motion to dismiss (Doc. No. 13) and responses thereto, it is hereby **ORDERED** that the motion is **GRANTED IN PART AND DENIED IN PART** as follows:

1. Defendants' motion to dismiss Count II of the complaint against the Commonwealth of Pennsylvania and Pennsylvania State Police is **GRANTED**;
2. Defendants' motion to dismiss Count II of the complaint against Defendants Colon, Gaspich, and Teper is **DENIED**; and
3. Defendants' motion to dismiss Count I of the complaint against the Commonwealth of Pennsylvania is **DENIED**.

The Commonwealth of Pennsylvania and the Pennsylvania State Police are dismissed as defendants under Count II of the plaintiff's amended complaint.

BY THE COURT:

/s/Lawrence F. Stengel
LAWRENCE F. STENGEL, J.